UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,772	01/28/2002	Michael Wayne Brown	AUS920010521US1	4176

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/058,772	BROWN ET AL.
		Examiner	Art Unit	
		Ting Zhou	2173	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 April 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-14,16-23 and 25-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-14,16-23 and 25-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   The Request for Continued Examination (RCE) filed on 25 April 2005 under 37 CFR

1.53(d) based on parent Application No. 10/058,772 is acceptable and a RCE has been

established. An action on the RCE follows.

2.   The amendments filed on 25 April 2005, submitted with the filing of the RCE have been

received and entered. The applicant has cancelled claims 6, 15 and 24. Claims 1-5, 7-14, 16-23

and 25-27 as amended are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

3.   Claims 19-23 and 25-27 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. Claim 19 is not limited to tangible embodiments. In

view of Applicant's disclosure, specification page 12, line 23 – page 13, line 15, the medium is

not limited to tangible embodiments, instead being defined as including both tangible

embodiments (e.g., floppy disk, hard disk, magnetic tape, etc.) and intangible embodiments (e.g.,

transmission media taking the form of acoustic or light waves, data signals embodied in carrier

waves, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-

statutory as the claim is not tangible.

4.   To expedite a complete examination of the instant application, the claims rejected under

35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of the

applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23 and 25-26 are rejected under 35

U.S.C. 103(a) as being unpatentable over Gelsinger et al. U.S. Patent 5,892,511 (hereinafter

"Gelsinger") and Foote European Patent 1083485.

Referring to claims 1, 10 and 19, Gelsinger teaches a method, system and program

comprising a graphical user interface (Gelsinger: column 2, lines 49-50), detecting current

activity of a window element within a graphical interface (checking whether a minimized

window is being pointed to) (Gelsinger: column 9, lines 57-67), and automatically performing at

least one of minimizing the window element and maximizing the window element to reflect the

current activity, such that a representation of the window element is graphically represented,

wherein minimizing the window element comprises reducing the window element from a

graphical window to a graphical icon representing the graphical window, wherein maximizing

the window element comprises increasing the window element from a minimized graphical icon

representing the window element to a full graphical window (upon detecting that a minimized

window icon, or button on the taskbar is being pointed to, the interface displays the minimized

window in expanded form, or maximizes the window from a minimized icon/button on the

taskbar to an expanded window, to reflect activation of the window) (Gelsinger: column 9, line

51 - column 10, line 19). However, although, Gelsinger teaches updating a window element in

response to a detected event (i.e. minimizing or maximizing a window in response to the

detected event of the window being pointed to), Gelsinger fails to explicitly teach the current

activity comprises at least one activity from among usage of a graphics card in association with

the window element, a number of threads used in association with the window element, an

amount of data storage used in association with the window element, a net network bandwidth

used in association with the window element, and an amount of memory used in association with

the window element. Foote teaches a method that updates a window element in response to a

detected event similar to that of Gelsinger (i.e. Foot teaches updating the displayed window

element of a resource indicator in response to a detected event of changes, such as increases or

decreases in resource usage) (Foote: column 1, line 54-column 2, line 14). In addition, Foote

further teaches the detected current activity of a window element comprises resource usage such

as an amount of memory used in association with the window element (window elements such as

the resource indicator are associated with activities such as resource, more specifically, memory

usage; in other words, Foote teaches detecting increases and decreases in the amount of memory

used, which is associated with a displayed resource indicator whose display is updated as result

of the detection) (Foote: column 1, line 54-column 2, line 14). It would have been obvious to

one or ordinary skill in the art, having the teachings of Gelsinger and Foote before him at the

time the invention was made, to modify the minimization/maximization of window elements to

reflect activity of Gelsinger to include the method of reflecting activity such as memory usage

taught by Foote, in order to obtain a method, system and program that detects current activity of

a window element within a graphical user interface, such as detection of memory usage, and

automatically performing at least one of minimizing and maximizing the window element in

response to the detection of memory usage to reflect such activity. One would have been

motivated to make such a combination in order to track and manage resource usage effectively,

preventing overuse of already limited resources.

Referring to claims 2, 11 and 20, Gelsinger, as modified, teach automatically adjusting a

position of the window element within a z-order of a plurality of windows displayed within the

graphical interface (the window selection agent helps the user to cycle through sets of overlapped

windows, the set being determined by the z-order of windows; furthermore, as a user selects a

minimized window, the window is automatically expanded and displayed, changing its z-order

by making it the currently active window) (Gelsinger: column 2, lines 49-67, column 7, lines 8-

65 and column 9, line 51- column 10, line 19).

Referring to claims 4, 13 and 22, Gelsinger, as modified, teach detecting current use of a

window element (detecting whether a minimized window is being pointed to) (Gelsinger:

column 9, lines 65-67).

Referring to claims 5, 14 and 23, Gelsinger, as modified, teach detecting a transparency

of the representation of the window element (detecting whether multiple translucent windows

correspond to user selection) (Gelsinger: column 10, lines 19-51).

Referring to claims 7, 16 and 25, Gelsinger, as modified, teach detecting current activity

in association with a plurality of windows elements displayed within the graphical interface

(detecting user selection of a minimized window in an interface with a plurality of displayed

windows) (Gelsinger: column 2, lines 50-67 and column 9, lines 51-53), and adjusting alpha

levels associated with each of the plurality of window elements to order the plurality of window

elements to reflect the current activity (upon detecting user selection of a minimized window, the

alpha levels of the windows are adjusted, or the windows are made translucent; for example, the

pointed to minimized window is expanded and the remaining windows are made translucent)

(Gelsinger: column 9, lines 22-25 and 61-64 and column 10, lines 11-19).

Referring to claims 8, 17 and 26, Gelsinger, as modified, teach adjusting alpha levels of a

selection of the plurality of window elements that are minimized representations of a plurality of

windows (the minimized window, or the minimized representation of the window, are expanded

and the alpha levels changed, i.e. the remaining windows are made translucent) (Gelsinger:

column 9, lines 22-25 and 61-64 and column 10, lines 11-19).

6.   Claims 3, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gelsinger et al. U.S. Patent 5,892,511 (hereinafter "Gelsinger") and Foote European Patent

1083485, as applied to claims 1, 10 and 19 above, and Microsoft® Windows (Screenshots 1-5)

(hereinafter "Microsoft").

Referring to claims 3, 12 and 21, Gelsinger and Foote teach all of the limitations as

applied to claims 1, 10 and 19 above. Specifically, Gelsinger and Foote teach automatically

adjusting a size of the window element when performing one of minimizing and maximizing the

window element to reflect the current activity (automatically displaying the minimized window

in expanded form upon detection of the window being pointed to) (Gelsinger: column 9, lines

57-60). However, Gelsinger and Foote fails to explicitly teach automatically adjusting a size of

the window element when performing one of minimizing the window element and maximizing

the window element to a preselected size specified by a user in a selection of preferences

designated in association with performing one of minimizing the window element and

maximizing the window element to reflect the current activity. Microsoft teaches a graphical

user interface that displays a plurality of window elements similar to that of Gelsinger and Foote

(Microsoft: Screenshot 2). In addition, Microsoft teaches automatically adjusting a size of the

window element when performing one of minimizing the window element and maximizing the

window element to a preselected size specified by a user in a selection of preferences designated

in association with performing one of minimizing the window element and maximizing the

window element to reflect the current activity (users can specify a preselected preferred size for a

window element, as shown in Screenshot 3, so that when the corresponding window element is

maximized from a minimized state, as shown in Screenshot 4, the size of the maximized window

is automatically adjusted to the user pre-selected size, as shown in Screenshot 5). It would have

been obvious to one of ordinary skill in the art, having the teachings of Gelsinger, Foote and

Microsoft before him at the time the invention was made, to modify the graphical user interface

for adjusting a size of a window element when performing one of minimizing and maximizing a

window element to reflect the current activity of Gelsinger and Foote to include the minimizing

and maximizing of a window element to a user specified preselected size taught by Microsoft.

One would have been motivated to make such a combination in order to give users the flexibility

and convenience of adjusting the display of interface components according to their preferences

and likings.

7.   Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gelsinger et al. U.S. Patent 5,892,511 (hereinafter "Gelsinger") and Foote European Patent

1083485, as applied to claims 1, 10 and 19 above, and Hall, Jr. et al. U.S. Patent 6,108,003

(hereinafter "Hall").

        Referring to claims 9, 18 and 27, Gelsinger and Foote teach all of the limitations as

applied to claims 1, 10 and 19 above. Specifically, Gelsinger and Foote teach performing at least

one of minimizing and maximizing each of the plurality of window elements in response to an

event, wherein minimizing each of the plurality of window elements comprises reducing a

graphical window from among the plurality of window elements to a graphical icon representing

the graphical window, wherein maximizing each of the plurality of window elements comprises

increasing a graphical icon representing a window element from among the plurality of elements

to a graphical window (detecting current activity of a window element within a graphical user

interface, such as detection of memory usage, and automatically performing at least one of

minimizing and maximizing the window element in response to the detection of memory usage

to reflect such activity, wherein the interface displays the minimized window in expanded form,

or maximizes the window from a minimized icon/button on the taskbar to an expanded window,

to reflect activation of the window) (Gelsinger et al.: column 9, line 51 - column 10, line 19;

Foote: column 1, line 54-column 2, line 14). However, Gelsinger and Foote fail to explicitly

teach minimizing or maximizing the window elements in response to adjusting the alpha levels

of each of the plurality of window elements. Hall teaches an interface for displaying a plurality

of window elements similar to that of Gelsinger and Foote (Hall: column 2, lines 49-64 and

Figure 2). In addition, Hall further teaches adjusting the alpha levels of each of the plurality of

window elements (changing the color, shade, or intensity of the displayed window elements on

the presentation space) (Hall: column 4, lines 19-31). It would have been obvious to one of

ordinary skill in the art, having the teachings of Gelsinger, Foote and Hall before him at the time

the invention was made, to modify the interface for minimizing or maximizing each of a plurality

of window elements in response to an event of Gelsinger and Foote to include the adjustment of

alpha levels of window elements, taught by Hall, in order to obtain an interface that will

minimize or maximize a plurality of window elements in response to an event such as a change

in the alpha levels of the window elements. One would have been motivated to make such a

combination in order to produce a user friendly interface that will easily notify a user in a

windowed computer environment of changes in the status or state of executing applications

while minimizing the use of screen space when conveying information to users.

Response to Arguments

8.   Applicant's arguments with respect to claims 1-5, 7-14, 16-23 and 25-27 have been

considered but are moot in view of the new ground(s) of rejection.

9.   The applicant argues that Gelsinger discloses minimizing or maximizing windows based

on whether window icon or button is being pointed to, not based on an "event". The examiner

respectfully disagrees. Detecting whether a window icon or button is being pointed to is an

event; in other words, minimizing or maximizing based on a window icon or button being

pointed to is based on an event. According to the *Merriam-Webster Online Dictionary*

(http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=event), the definition of an

"event" is as follows:

> Main Entry: **event** ◀�))
> Pronunciation: i-'vent
> Function: *noun*
> Etymology: Middle French or Latin; Middle French, from Latin *eventus,* from *evenire* to happen, from *e-* + *venire* to come -- more at COME
> **1 a** *archaic* : OUTCOME **b** : the final outcome or determination of a legal action **c** : a postulated outcome, condition, or eventuality <in the *event* that I am not there, call the house>
> **2 a** : something that happens : OCCURRENCE **b** : a noteworthy happening **c** : a social occasion or activity
> **3** : any of the contests in a program of sports
> **4** : the fundamental entity of observed physical reality represented by a point designated by three coordinates of place and one of time in the space-time continuum postulated by the theory of relativity
> **5** : a subset of the possible outcomes of an experiment
> **synonym** see OCCURRENCE
> - **event·less** ◀))/-l&s/ *adjective*
> - **at all events** : in any case
> - **in any event** : in any case
> - **in the event** *British* : as it turns out

As can be seen from the above definition, an event is simply something that happens, i.e. an

occurrence. The examiner respectfully maintains that detecting whether a window icon or button

is being pointed to is an occurrence, i.e. it is something that happens, and therefore, Gelsinger

teaches minimizing or maximizing windows based on an event.

Conclusion
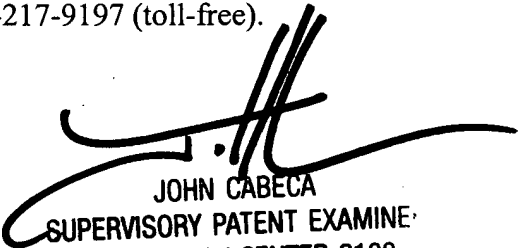
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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